

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DWAYNE E. BANKS,  
Plaintiff,

vs.

D. GAMMON, et al.,  
Defendants.

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No. 3:08-CV-0474-K

ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and Defendant Gammon's Objections filed on March 15, 2010, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court. Accordingly, *Officer D. Gammon's 12(b)(6) Motion to Dismiss; and Alternative 12(e) Motion for More Definite Statement*, filed October 5, 2009, (doc. 31) are **DENIED**. Defendant Gammon's Objections to Magistrate's Findings, Conclusions and Recommendations, filed on March 15, 2010, are hereby **OVERRULED**.

SIGNED this 17<sup>th</sup> day of March, 2010.



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UNITED STATES DISTRICT JUDGE